

PALESTINI et al.
Appl. No. 09/598,608
February 13, 2004

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants:

1. Amend independent claim 19 to include therein the "three result" subject matter mentioned in enumerated paragraph 5 of the Office Action, thereby rendering allowable not only claim 19 but also claims 21 and 23 dependent thereon.
2. Cancel claim 20 without prejudice or disclaimer.
3. Editorially amend dependent claims 24 and 60.
4. Add new claims 61 – 74 (see §B infra concerning support) .
5. Provide Comments Concerning the Reasons for Allowance (see §C infra).
6. Advise the Examiner of the simultaneous filing of a Petition to Extend (1 month).

B. THE NEW CLAIMS

New dependent claims 61 – 74 have been added by this amendment. New claims 61 – 64 depend from allowed independent claim 1. New claims 65 – 70 depend from allowed independent claim 39. New claims 71 – 74 depend from allowed independent claim 46.

Concerning support for new dependent claim 61 and new claim 62, see e.g. the embodiment having a laser and associated scanning system on page 19, lines 4-11: the light source and the laser driving circuit are shared; the embodiment of figure 3 and page 16 line 28 to page 17, line 3 and page 17 lines 8-12: an optical element (lens 62) and a

PALESTINI et al.
Appl. No. 09/598,608
February 13, 2004

mechanical element (support 52) are shared]. For new claim 63, see e.g. page 19, lines 4-11. For new claim 64, see e.g. page 10, lines 35-36.

Support for new dependent claim 65 – 68 is understood from allowed claims 55, 7, and 64. For new claim 69, see e.g. the embodiment of figure 1 and page 15, lines 8-12. For new dependent claim 70, see e.g. the embodiment of figure 1 and page 15, lines 13-15 .

Support for new dependent claim 71 – 72 and 74 is understood from allowed claims 61, 13, 14, and 64. For new dependent claim 72, see allowed claims 39 and 43 taken in combination.

C. APPLICANT'S COMMENTS CONCERNING REASONS FOR ALLOWANCE

Applicants do not necessarily agree with all of the Examiner's ostensible reasons for allowance as articulated in the fourth enumerated paragraph of the Office Action dated October 14, 2003. Therefore, Applicant presents responsive comments as follows.

The Examiner correctly acknowledges that Matsumoto merely uses color differentiation, that cannot be said to be equivalent to shape. He also states that Matsumoto fails to teach aiming different-sized figures at the barcode. However, he states that term “figure” is understood as indicating a differentiation based on shape. Claims 1, 18, 26, 32, 37, 38 do cover differentiation based on size only.

As explained in the Office Action, Claim 19 distinguishes over the prior art, e.g., because Matsumoto fails to teach discriminating between at least three results. Claim 19 as now presented uses the term “luminous information”. The luminous information may well be of a shape identical to that of the acquisition light pattern.

PALESTINI et al.
Appl. No. 09/598,608
February 13, 2004

Claim 39 distinguishes over Matsumoto because, e.g., the optical elements of the visually indicating means are distinct from the illumination optics. Again, the figure formed at the optical code may well be of a shape identical to that of the acquisition light pattern.

Claims 46 and 54 distinguish over Matsumoto because, e.g., each luminous figure(s) that is generated for each discriminated result is always distinguishable from the acquisition light pattern. The way of distinguishing may be any one or more of shape, size, switching on/off frequency, etc., but also only color (see e.g. the embodiment using multi-chip LEDs on the paragraph bridging pages 18 and 19). Indeed, Matsumoto teaches to use a distinguishing luminous figure only in the case of a positive result (green light), but not in the case of a negative result.

In the reader of Matsumoto, the user is not actually prompted with information that a code has not been read. The user needs to let a certain time lapse without seeing the green light before realizing that the reader is unable (for any of several reasons) to read the code. Because a reader commonly attempts several acquisitions and decodings, the time needed to lapse may be considerably long. Especially in prolonged use of the reader, this undefined waiting time may be very frustrating.

According to claims 46 and 54, conversely, the user is provided with an explicit feedback that the reading attempt has come to a result, either positive or negative or whatever. For example, in case of a negative result, the user is prompted that the reader is unable to read the code immediately as the reader "realizes" it. If, for example, as from the very first acquisition and decoding it turns out that the code is not of the types the reader is able to read, much time may be saved.

Furthermore, by further providing, e.g. as claimed in claims 56, that the visual information at the optical code contains some information associated with the reason why

PALESTINI et al.
Appl. No. 09/598,608
February 13, 2004

the code was not read, the user will be prompted with the failure cause, and may then take appropriate actions to arrive at success or give up further attempts.

Similarly, by the further provision of claim 57, the user will not only be made aware of a successful reading, but he/she will also prompted with some useful information related to the code that was read.

D. MISCELLANEOUS

In view of the foregoing and other considerations, the Examiner has ample bases for withdrawing all rejections and for allowance of all pending claims. Accordingly, a formal indication of allowance is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

H. Warren Burnam, Jr.
Reg. No. 29,366

HWB:lsh
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100